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18 TORRES; CAROL DEUPREE; JESSICA VIRAMONTES;
19 JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN;
20 DAVID BOUFFARD; and HECTOR SANCHEZ
21

22 **UNITED STATES DISTRICT COURT**
23 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
24

25 TODD R. G. HILL,
26
27 Plaintiff,

28 v.

THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW; et al.

Defendants.

Case No. 2:23-cv-01298-JLS-BFMx

**DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR LEAVE
TO FILE FIFTH AMENDED
COMPLAINT; MEMORANDUM OF
POINTS AND AUTHORITIES**

Judge: Josephine L. Staton
Magistrate: Brianna Fuller Mircheff

TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR
COUNSEL OF RECORD:

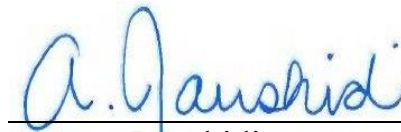
COMES NOW the Defendants THE GUILD LAW SCHOOL DBA
PEOPLE'S COLLEGE OF LAW, JOSHUA GILLENS, WILLIAM MAESTAS,
BOARD OF DIRECTORS FOR THE PEOPLE'S COLLEGE OF LAW,
CHRISTINA MARIN GONZALEZ, ROGER ARAMAYO, ISMAIL VENEGAS,
CLEMENTE FRANCO, HECTOR PENA, PASCUAL TORRES, CAROL

DEUPREE, JESSICA VIRAMONTES, JUAN SARINANA, ADRIANA ZUNIGA, PREM SARIN, DAVID BOUFFARD, and HECTOR SANCHEZ (collectively, “Defendants”) submit the following Opposition to Plaintiff’s Motion for Leave to File his Fifth Amended Complaint and Memorandum of Points and Authorities in Support thereof.

DATED: June 20, 2025

HAIGHT BROWN & BONESTEEL LLP

By:



Arezoo Jamshidi

Allison E. Harvey

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HECTOR PENA; PASCUAL TORRES;
CAROL DEUPREE; JESSICA
VIRAMONTES; JUAN SARINANA;
ADRIANA ZUNIGA; PREM SARIN;
DAVID BOUFFARD; and HECTOR
SANCHEZ

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff Todd R. G. Hill (“Plaintiff”) once again seeks leave to amend—this time to file what would be his seventh iteration of the complaint, and his third attempt to introduce a Fifth Amended Complaint. Plaintiff now styles this motion as an effort “to clarify any procedural ambiguity” arising from his previous improper filings, and purports to amend in response to arguments raised in the pending motions to dismiss the Fourth Amended Complaint. This motion should be denied for multiple reasons.

First, Plaintiff has failed to comply with Local Rule 7-3, which mandates a good-faith meet and confer process prior to the filing any motion. Plaintiff made no effort to contact Defendants before filing this motion and offers no explanation as to why the rule would not apply.

Second, Plaintiff’s motion is procedurally and substantively deficient. It contains conclusory assertions without meaningful analysis or legal support and merely recycles arguments from prior filings. Moreover, Plaintiff’s strategic timing—filing this motion while the Court has not yet ruled on the motions to dismiss the Fourth Amended Complaint—appears to be a transparent attempt to sidestep another anticipated adverse ruling.

Third, Defendants would be prejudiced by yet another amendment. The Fourth Amended Complaint, like the complaints before, is already excessively verbose and difficult to parse. The proposed Fifth Amended Complaint is no better. Plaintiff offers no compelling justification for the amendment and fails to show that it cures the fundamental defects that have afflicted each version of his pleadings.

Finally, further amendment would be futile. A redline of the proposed changes confirms that Plaintiff has not addressed the core issues previously identified, most on numerous occasions by the Court hand the parties. After over

1 two years and repeated guidance from the Court, Plaintiff has still failed to allege a
2 viable, coherent claim.

3 For these reasons, Plaintiff's motion for leave to file a Fifth Amended
4 Complaint should be denied.

5 **II. PROCEDURAL BACKGROUND**

6 On March 31, 2025, Plaintiff filed his Fourth Amended Complaint, which he
7 amended on April 1, 2025. [Dkt. Nos. 255, 257¹.] Defendants moved to dismiss for
8 the third time. [Dkt. Nos. 263, 270.] Those motions remain pending.

9 Nevertheless, on May 19, 2025, Plaintiff filed a "Notice of Submission"
10 attaching a proposed Fifth Amended Complaint. [Dkt. No. 310.] On May 22, 2025,
11 he filed a "corrected" version. [Dkt. No. 313.] In response to the Court's directive
12 [Dkt. No. 311], Plaintiff filed a redline comparison of the proposed Fifth Amended
13 Complaint on May 23, 2025. [Dkt. No. 317.] Defendants and Defendant Ira Spiro
14 filed oppositions to Plaintiff's submission of the proposed Fifth Amended
15 Complaint. [Dkt. Nos. 319, 321.]

16 In the next approximately three weeks, the following occurred:

17 Plaintiff filed: (1) a notice of objection to any "premature" ruling on the
18 pending motions to dismiss the Fourth Amended Complaint and a request for a
19 ruling on his purported request to amend [Dkt. No. 322]; and (2) a request for leave
20 to file a surreply to Defendants' oppositions to the submission of the Fifth Amended
21 Complaint. [Dkt. No. 323.]

22 Defendants opposed Plaintiff's notice of objection to ruling on the Fourth
23 Amended Complaint and for ruling on his request to amend (i.e., filing the Fifth
24 Amended Complaint). [Dkt. No. 328.] Additionally, Defendants and Defendant
25

26 _____
27 ¹ Defendants have previously detailed the procedural history of this case on
28 multiple occasions. In the interest of judicial economy, they begin here with the
filing of the Fourth Amended Complaint.

1 Spiro filed objections to Plaintiff's request for leave to file a surreply. [Dkt. Nos.
2 324, 327.] Plaintiff then filed replies to these oppositions. [Dkt. Nos. 325, 332.]

3 Then, on June 13, 2025, without meeting and conferring with Defendants,
4 Plaintiff filed his Motion for Leave to File his Fifth Amended Complaint. [Dkt. No.
5 330.]

6 **III. ARGUMENT**

7 **A. Plaintiff Failed to Comply with Local Rule 7-3.**

8 Plaintiff's motion should be denied outright for failure to comply with Local
9 Rule 7-3. Despite repeatedly accusing Defendants of violating the same rule,
10 Plaintiff made no attempt whatsoever to meet and confer prior to filing this motion.
11 There is no declaration attached to the motion attesting to any effort to confer, as
12 required under Local Rule 7-3. Nor does Plaintiff provide any justification or
13 argument as to why the rule would not apply here.

14 Local Rule 7-3 requires that the "substance of the contemplated motion and
15 any potential resolution" must be discussed "at least 7 days prior to the filing of the
16 motion." The moving party is further required to file a declaration under penalty of
17 perjury detailing the date(s) of the conference and the parties' respective positions.
18 Plaintiff did none of this. Plaintiff was clearly aware of his intent to seek leave to
19 file a Fifth Amended Complaint, as evidenced by his filing of a "Notice of
20 Submission" on May 29, 2025. Yet, he made no effort to meet and confer regarding
21 that filing either, which he characterized merely as a "clarification" in response to
22 the pending motions to dismiss the Fourth Amended Complaint.

23 This is not the first time Plaintiff has disregarded Local Rule 7-3. Most
24 recently, Plaintiff failed to comply with the Rule in connection with his motion to
25 amend the Third Amended Complaint. His repeated disregard for mandatory
26 procedural rules burdens both the Court and Defendants, and further underscores the
27 improper nature of the current motion.

28 For this reason alone, the motion should be denied.

B. Plaintiff's Request for Leave to Amend Should Be Denied Where Defendants Will Be Prejudiced and Where Amendment Will Be Futile.

Plaintiff seeks leave to file his Fifth Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2), which permits amendment “only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). While Plaintiff emphasizes that courts “should freely give leave when justice so requires,” he relies almost entirely on this general principle without offering any substantive justification for the proposed amendment.

Plaintiff relies on *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048 (9th Cir. 2003), in support of his argument for liberality in granting leave to amend. But his reliance is misplaced. In *Eminence Capital*, the plaintiffs filed a first amended consolidated complaint, which included new facts to support an additional claim for securities fraud. *Id.* The defendants filed a motion to dismiss with prejudice, which the district court granted. *Ibid.* On appeal, the appellate court concluded that leave to amend should have been granted because plaintiffs had not filed substantially similar complaints alleging substantially similar theories. *Id.* at 1053. The appellate court determined “it is not accurate to imply that plaintiffs had filed multiple pleadings in an attempt to cure pre-existing deficiencies.” *Id.*

The opposite is true here. Plaintiff is now on his seventh version of the complaint and has repeatedly failed to cure the same fundamental deficiencies. Plaintiff himself acknowledges that the proposed Fifth Amended Complaint is an effort to clarify factual allegations, improve the narrative structure, and incorporate refinements in direct response to Defendants’ arguments. [Motion, p. 5:22-24.] In other words, Plaintiff admits that he is once again trying to cure pre-existing deficiencies—something he has attempted and failed to do in each prior iteration.

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1 The Supreme Court offered factors a district court should consider in deciding
2 whether to grant leave to amend: “such as undue delay, bad faith or dilatory motive
3 on the part of the movant, repeated failure to cure deficiencies by amendments
4 previously allowed, undue prejudice to the opposing party by virtue of allowance of
5 the amendment, futility of amendment, etc.” *Foman v. Davis*, 371 U.S. 178, 182
6 (1962). All of those factors are present here.

7 Plaintiff’s repeated amendments, without ever addressing the core pleading
8 defects, have imposed a significant burden on Defendants. With each new iteration,
9 Defendants are forced to review, decipher, and respond to lengthy, confusing
10 pleadings.

11 The Ninth Circuit has recognized that the district court’s discretion to deny
12 leave to amend is “particularly broad” where a plaintiff has previously amended the
13 complaint. *Salameh v. Tarsadia Hotel*, 726 F.3d 1124, 1133 (9th Cir. 2013). Courts
14 routinely deny leave in similar circumstances, especially where a plaintiff fails to
15 offer satisfactory explanation for repeated deficiencies or fails to make proper use of
16 prior opportunities to amend. *Jang v. Boston Scientific Scimed, Inc.*, 729 F.3d 357,
17 368 (3d Cir. 2013) (“This court has declined to reward a wait-and-see approach to
18 pleading”). As *Salameh* aptly puts it: “A plaintiff may not in substance say ‘trust
19 me,’ and thereby gain a license for further amendment when prior opportunity to
20 amend had been given.” *Salameh*, 726 F.3d 1124 at 1133.

21 Plaintiff further argues that there is no prejudice because Defendants are
22 “already on notice” of the Fifth Amended Complaint, citing his earlier improper
23 submissions of the Fifth Amended Complaint. But prejudice is not avoided merely
24 because Defendants have been forced to repeatedly respond to improper filings. In
25 fact, that only underscores the ongoing prejudice. Defendants spent considerable
26 time and resources preparing and drafting their Motion to Dismiss Plaintiff’s Fourth
27 Amended Complaint—their third dismissal motion in this case. Defendants are now
28

1 faced with the task of analyzing yet another confusing complaint, while motions to
2 dismiss the Fourth Amended Complaint remain pending.

3 Plaintiff also asserts that the case remains at the pleading stage and that no
4 discovery has commenced. That may be true, but it does not cure the prejudice
5 caused by Plaintiff's serial amendments and procedural gamesmanship. The
6 cumulative burden of deciphering Plaintiff's evolving, never ending requests and
7 voluminous pleadings is real and significant.

8 Finally, Plaintiff argues that granting leave would promote judicial efficiency
9 by resolving a "procedural dispute" over whether he properly sought leave to amend.
10 [Motion, p. 7:1-4.] This is disingenuous. Plaintiff created this procedural tangle by
11 prematurely filing his Fifth Amended Complaint, objecting to ruling on the motions
12 to dismiss the Fourth Amended Complaint, and now attempting to retroactively fix
13 the issue with a formal motion for leave. This motion is not a cure—it is an attempt
14 to avoid accountability for procedural missteps that have already generated
15 unnecessary motion practice and wasted judicial resources. Plaintiff's assertion that
16 this will allow the case to move forward in an orderly manner rings hollow in light
17 of the procedural chaos he has caused.

18 In sum, Plaintiff has had ample opportunity to plead a coherent, viable claim.
19 He has repeatedly failed to do so, despite detailed guidance from the Court and
20 multiple opportunities to amend. Further amendment at this stage would serve only
21 to prolong the litigation, impose an additional burden on Defendants, and waste
22 judicial resources. This Court should exercise its discretion to deny leave to amend.

23 **IV. CONCLUSION**

24 Plaintiff has now had multiple opportunities to plead his claims properly and
25 has repeatedly failed to do so. His current request for leave to amend—his third
26 attempt to file his proposed Fifth Amended Complaint—offers no legitimate
27 justification, fails to cure longstanding deficiencies, and would prejudice Defendants
28 through continued procedural abuse and unnecessary expense. Given Plaintiff's

1 repeated failures, the undue burden on Defendants, and the futility of further
2 amendment, Defendants respectfully request that the Court deny Plaintiff's motion
3 to file his Fifth Amended Complaint.

4
5 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

6 The undersigned party certifies that this brief contains 1893 words, which
7 complies with the word limit of L.R. 11-6.1.

8
9 DATED: June 20, 2025

HAIGHT BROWN & BONESTEEL LLP

10
11 By:



12 Arezoo Jamshidi

13 Allison E. Harvey

14 Attorneys for Defendants THE GUILD

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23 DAVID BOUFFARD; and HECTOR

SANCHEZ

PROOF OF SERVICE

Hill v. The Board of Directors, Officers, et al.

Case No. 2:23-cv-01298-JLS-CFM

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Diego, State of California. My business address is 402 West Broadway, Suite 1850, San Diego, CA 92101.

On June 20, 2025, I served true copies of the following document(s) described as **DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE FIFTH AMENDED COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 20, 2025, at San Diego, California.



Amy Craig

SERVICE LIST

Hill v. The Board of Directors, Officers, et al.
Case No. 2:23-cv-01298-JLS-CFM

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